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REFERENCE CZVU 54
(Rule Number/Section)

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OCT 06 2022	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY <u>[Signature]</u>	DEPUTY

Dr. Gary L. Wagoner
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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Dr. Gary L. Wagoner, designated
representative for patient Caitlin Walls,
Plaintiffs,

vs.

Pinnacle West Capital Corporation,
Defendant

Case No.: CV-22-01359-PHX-SMB

Plaintiff Wagoner's Response to Defense

Notice of Plaintiff's Failure to Respond to

Defendant's Motion to Dismiss Complaint

On August 23, 2022 Plaintiff Wagoner received an Order from the Court that a mandatory Rule 26 (f) meeting will be scheduled between plaintiff and defense. On September 30, 2022 Wagoner received a motion from the Defense titled "Notice of Plaintiff's Failure to Respond to Defendant's Motion to Dismiss Complaint".

Wagoner was not served by the Defense a copy of the Motion to Dismiss Complaint that the Defense is alleging that Wagoner did not respond to. Wagoner has been waiting to be scheduled for the Rule 26 (f) meeting all along per the Court's Order.

Also, it seems that Defense is ignoring the Order given by the Court for a mandatory Rule 26 (f) meeting with the continuous filings of Motions despite the Court's clear intentions.

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2 Request:

3 Your Honor, Wagoner is respectfully requesting that the Defense Motion be denied in
4 this matter as Wagoner continues to wait for the Court ordered Rule 26 (f) meeting as
5 directed.
6

7 RESPECTFULLY SUBMITTED this 3rd day of October, 2022

8 By: *s/Dr. Gary L. Wagoner*

9 Dr. Gary L. Wagoner

10 702 East Bell Road, Suite 112

Phoenix, AZ 85022

11 *Designated Representative for Caitlin Walls*
12
13

14 **CERTIFICATE OF SERVICE**

15 I hereby certify that on October 3, 2022, I electronically transmitted the attached
16 document to attorney Robert Kort – rkort@lewisroca.com

17 By: *s/Dr. Gary L. Wagoner*
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